

**EPA**

**Moderator: Jonathan Stein**  
**May 23, 2017**  
**5:14 p.m. ET**

Operator: This is **Ex. 6 Conference Code**

Female: OK. I think we're all set. So, I believe that you're familiar (Paul) the resolution manual?

(Paul): Yes.

Female: Sure.

(Lilian): And (Paul), I just wanted to weigh in here. This is (Lilian). You know, this is part of what we're really trying to do it as a matter of routine as we accept cases for investigation now, is to have these types of sort of an (entrance) interview with complainants as well as recipients to make sure that everyone understand the process, the way that we – or then our CRM explains the process, the investigative process, the complaint resolution process, the options available.

And to make sure that complainants have an opportunity right at the beginning to ask any questions to clarify, you know, what you can expect (proceed) here. We believe very strongly and transparency as well as early engagement, to make sure that we understand, you know, what in fact you submitted and, you know, given that you submitted some months ago, we want to make sure that we are also current with the information that – that we have and our reading of the complaint that you filed.

So, that was the reference that (Britney) made to – some questions that we have for you, and (Kylie), and she will be sort of taking you through that.

What I wanted to emphasize is that we also feel very strongly that where there is decision information to proceed, to informal resolution of complaints, you know, we will do that. There is really a (much) to be gained by resolving complaints as early and as quickly and efficiency as possible so that, you know, we can bring about real change in a timely way.

So that's why we want to make sure that you understand what's available. I know that you had asked at one point about early – about informal resolution and specifically about ADR. We have to part – part of our job in consultation with Region IX and our attorneys here is to figure out what approach makes most sense in one complaint to the other. And of course, you know, we do have a lot of information with respect to this complaint.

So, in weighing the options in terms of offering alternative dispute resolution or going about other informal resolution approach such as an informal resolution agreement with the recipient, we weigh everything that we have available to us. And what we don't have available to us and still need in order to complete the picture. But I wanted to make sure that you understood that, you know, ADR, it's a process pretty much takes ECRCO and EPA out of the pictures.

So, when we enter in to alternative dispute resolution and the parties to the mediator, meaning, the party, meaning the recipient and the complainant, it basically – we suspend our investigation. So, it goes into that process.

And that's a really, really great process that has (yielded) great results for us. When it's been an instance where, you know, we're kind of at a turning point with the recipient and we think that maybe exploring the recipient sitting with the complainant and exploring options is a good idea. So, all that to say that, we have not made a final determination yet as to whether ADR is appropriate here.

My initially – my assessment is that probably what we should be talking about before ADR is, if we were to approach the recipient and discuss with the

recipient informal resolution through an agreement which is part of why this conversation with you guys is so important, we want to understand sort of today, you know, real time today, what type of things that we have to address in an agreement in order to address the "issues" of the complain.

So, in weighing all the options, we kind of have to – I know it sounds like maybe the cart before the horse but we have to understand everything, you know, as it lays right now in your understanding.

So with that, I'm going to stop for a minute and pause in terms of the process before I hand it over to (Britney) to take over the, you know, meeting or facilitating the rest of this conversation. And also make sure that our, you know, our colleagues in Region IX, you know, that no one else has any questions. But did you have any initial questions in terms of the process it self?

(Paul): Well one question I had (Lily) is – with respect to timeframe, I understand you said that, if we engage in ADR then EPA suspended investigation which makes sense to me, but I'm curious, you know, if a – I guess I wouldn't to find myself in a situation where I don't feel that ADR is productive, the recipient is not being very cooperative or receptive, et cetera. And I, however, things with EPA have essentially shutdown for an indefinite period and that it may take some period to start things up again.

What are we looking at in terms of a time frame for determining whether ADR would in fact be productive?

(Lilian): You know, that's really a case by case thing because we depend on the ADR office and information that we received through that office, through the mediator who's been chosen. Who provides regular updates not on the substance of the ADR but on the progress, at least to say, yes, things are moving, things are not moving or going slowly, et cetera, et cetera.

But, I mean, my point was to say that the determination, you know, by ECRCO to engage or to offer alternative dispute resolution is something that we take very seriously because we need to not only weigh the possibility that the likelihood that that process would result in some resolution, but we have to

weigh a lot of other factors such as budget – budgetary factors, you know, our budget in light of what we would have to set aside for mediators et cetera, et cetera. All of that has to be, you know, calculated.

So, we really have to weigh very carefully the benefit that we're going to gain from entering in to that process versus the benefit, you know, or the likelihood that we could in fact resolve a case through informal – through an informal resolution agreement with the recipient. If we think that there is an opportunity, a real opportunity to – for whatever reason maybe it's because things have developed, you know, the – there are other factors including, you know, information that we get from our regions or program offices that suggest that that would be a better road, we weigh all that.

So, certainly the most expeditious but also the most effective resolution is what we would consider in deciding to engage ADR versus an informal resolution agreement. So, although I can't tell you how long ADR is going to take or would take in anyone case, we don't set a definite timeframe. We do require it in those ADR's where we invested time and resources that we get regular feedback from the ADR office to ensure that progress is being made. We don't just sort of set something aside and just leave it there.

I know it doesn't answer your question directly but it's the best I can do right now.

(Paul): Appreciate that.

(Kylie): Thank you, (Lilian). And this is (Kylie). I have one other question, you mentioned that EPA has a lot of information with respect to this complaints particular. And then also EPA and the Office of Civil Rights (inaudible) mediation begin. Would complainants have access to the EPA's information so that we can go to the mediation with all the information that's available?

(Lilian): So, I don't know. We do not participate in the ADR process. So, we would not go and impart whatever investigative information. It's a separate – totally separate process, the alternative dispute resolution process. All that that the mediator has as their disposal is, you know, the complaint as well as anything that obviously that EPA had issued publicly, you know, or ECRCO has issued

publicly. I really don't want to be too – I'm going to be really honest and transparent because I (pride) myself on that.

I don't want to be too derailed in discussing ADR too extensively because to very honest with you, we are not leaning in that direction in terms of offering ADR. We are, you know, given everything we know at the moment. And our – all our, you know, investigative information we gather till, you know, today would suggest to us that approaching the recipient with informal resolution and an opportunity to answer to an informal resolution agreement might in fact yield more results.

As I said, we haven't made a final decision. But, you know, and I'll need to engage my colleagues a little more in that discussion. But it's not something that, you know, we're leaning toward right now.

(Paul): OK. Well, and that – I'm glad you pointed that out because I don't believe it. You know, when I was inquiring about the availability of ADR, I really wasn't intending to suggest that it was – that we prefer that to, you know, an informal resolution process that you may have in mind. And I would appreciate a little more clarification on the practical distinctions between the two.

(Lilian): Thank you. And that's really why I wanted to be very, you know, transparent with you so that you could in fact understand the differences. So, informal resolution, if what we anticipate is that we would approach a recipient to talk about how they might resolve a case informally to an agreement. There are some things that we make known to them right away. I mean obviously we would not be finalizing an investigation and issuing findings. You know, quite frankly, I don't think there's anything magical about findings unless you can get some change.

So, what we would propose is, you know, you answer into an informal agreement and you can look at the agreements that we entered into, you know, recently they're online. They very clearly state. We're not making findings one way or the other, either a compliance or non-compliance.

And so, what we typically do and the reason this – this and any other conversations we have with your client is so important is that we try to

anticipate really, at the end of the day, what would it take to bring about significant change such that it would resolve or address the current issues raised in the complaints. That's what we anticipate. And that's the conversation that we engage complainants in, so that we understand your expectations based on – I mean not to say that we work for you or that you're going to dictate, you know, what goes into an agreement. But we should understand because you've raised complaint. You know, what do you think it would take to resolve these issues?

So, some of the questions you're going to hear from (Britney) will take you in that direction. And so, the biggest difference between ADR, obviously, and an informal resolution agreement, is ADR has no involvement by ECRCO. It's between the two parties. You come up with a settlement agreement and ECRCO does not enforce that the settlement agreement or monitor it, but it has breached, the parties can comeback asks us to reopen an investigation, right?

And that's all in the case of resolution manual, you know, if you want to read more about it.

Now, with the informal resolution approach between ECRCO and the recipient, we approached the recipient. We explain to them sort of the parameters what they can expect. We invite them to look at other resolution agreements that we have online. And we say, OK.

And, you know, based on reading as a complaint. Based on all the information we've gathered so far not just from the complaint itself but through other sources, through the regional office, through program offices, all the intelligence that we've been able to gather, as well as, you know, these interviews with complainants and complainant communities, here's what we know. Here's what we've gathered. Here's what we know so far.

Now, based on these we have some ideas about what it would take to resolve this complaint. Again, the resolution agreement won't say, you know, you're guilty of anything. You violate a Title VI or anything like that but, it will

have some very specific provisions that we feel would resolve the issues as the complaint moving forward.

And, so then we would enter into that kind of agreement. You know, we would touch based with complainants again, let you know basically whether in fact the conversations with recipients have proven successful in that, you know, they see lamentable to entering into a resolution agreement. Obviously, if they tell us to fly a kite, you know, we'll tell you that too and we'll say, OK, so we're going to have to pursue, you know, other avenues.

So far, folks haven't said that to us. And we've been able to resolve, you know, cases successfully where we've initiated those conversations. But, you know, I feel very strongly. It's a resolution method that is very widely used by other civil rights agencies across the federal government.

Recognizing fully that, you know, sometimes you get more and more effective and more efficient and quicker change that way than if you engaged in a protracted investigation and issue some findings that – at the end of the day will produce adversarial relationships with the recipient, and then it's that much more difficult to get to settlement.

So, you know, a lot of federal agencies, almost all of them, engaged in informal resolution, you know, and enter into informal resolution agreements.

(Paul): Thank you. I think – I think I understand. And the principal distinction in my mind between what we referring to is ADR and informal resolution is that in the latter, it's essentially a resolution that is negotiated by and between the recipient and EPA as supposed to former being between the complainants and the recipient.

(Crosstalk)

(Lilian): That is correct. I mean seriously, we don't negotiate without informed conversations, you know, with the complainants.

(Paul): Right. And I guess – so that's my next – it seems to me to be a key question is the extent of involvement of the complainants, in other words, you know, to

what extent can we have some confidence that we wouldn't end up with a resolution where I go to my clients and I'm saying, well, I'm sorry, but, you know, this is what they came up with and you really – didn't have – there wasn't anything we can do about it.

(Lilian): Well, I mean I hear you and I understand fully your concern and to the extent that we can, we will involve and conversations with us, you know, the complainants and understanding your position and understanding the issues, and understanding, you know, what it would take in your opinion to resolve the issues?

At the end of the day, though, because I don't want to be disingenuous here, at the end of the day, ECRCO is an independent fact finder. We do not represent either recipients or complainants. So, we represent Title VI.

So, at the end of the day, the resolution agreement that we reach is an agreement that we feel in full fairness and, you know, transparency addresses the issue of the complaints and does write by Title VI. And that's our responsibility, you know.

On the other hand, that's why we don't get involved in and forcing settlements between the parties, because they are settlements between the parties and that's what they are. So, we accept those settlements in resolution of the case, but we don't enforce or mediate them because we were not involved.

(Paul): Great. As a practical matters, is there are anything you can tell me what has to – how EPA would, you know, would likely respond if you came to us and you said, look, here's the outlines of what we think we are prepared to resolve this matter with, you know, here's four point and this is where we're going. And were to – we were to say, well, you know, we spoken with our clients and they are, you know, very unhappy. They feel that this is really not going to address their concerns at all.

Where we'd go from there based on your experience?

(Lilian): Yes, I mean I think we would have a very honest conversation about why it is that you feel that way, but I think at the end of the day, we – I mean, you



know, I'll speak for myself. I do not take the responsibility of this office to investigate and – or – and to resolve complaints, in light of Title VI.

I don't take that responsibility lightly. So, it's not like we take any old saying and, you know, slap a cover on it and that does it, because we are transparent. We – the public is going to read that and we're going to be accountable for resolutions and letters that we issue. Nothing is in secret. So, it's there for everyone to see and everyone to scrutinize and – but at the end of the day, I think, you know, we resolve cases as we think would be supportable, you know.

I think the test we use is what – if we were able to find a violation here, what would it take to remedy? And we kind of start from there and we work backward. But, you know, we don't have a violation finding and one hasn't been issued. So, that's – you know, the premise we work from and trying to develop provision to the agreement that would address the issues, but the fact is, at the end of the day, we don't have findings.

But, we do very much tried to – to understand truly what the most urgent issues are and the most urgent and pressing issues for the communities and the impact on communities is, and tried to address those.

And we also try to be proactive in addressing the big picture as well, and I don't know if you've noticed in the – the cases that we've been resolving were also routinely looking at a recipient's non discrimination program. It's interesting, because in your complaint you raised that issue so that's part of the issues that we accepted for investigation right off the back. But we now routinely do that even where the issue hasn't been raised. We look at the non-discrimination program, whether they have (grievance) procedures in place, coordinators, et cetera, et cetera, et cetera, because we feel very strongly that, you know, you're really not going to make advance in addressing potential discrimination in communities unless you have the appropriate procedures and processes in place, and program, and the community has faith in that program.

So, I hope that answered your question.

(Paul): Yes, I think it does. Thank you.

(Lilian): So, I wanted to turn it over to (Britney) because I think, you know, we've got some really good questions and important questions that in collaboration with the region have developed.

(Britney): OK. And (Amy), if there's any point of clarification just jump in. But, I just wanted to start. I know that this complaint was originally filed in September of 2015. So we want – want to ask you if there's been any changes that you can identify since the filing? For instance, HDOA and HDOH had institute a new effort does the result of the Kauai Joint Fact Finding report including extend a voluntary reporting program state-wide and work with community groups on pesticide monitoring in surface water. So is there anything that you could have identified or you would like us to know?

(Paul): Well, sure, the answer is no. I don't – I'm not aware of any on the ground changes. I have certainly seen some reports of press conferences that the governor has given along with (Scott) and right that talk about what they are going to do but I not actually seen any clear and concrete statements of exactly what they are doing. As opposed to general statements about how they are going to fix things, with respect to voluntary disclosure I think the community generally doesn't believe that that is a tremendous benefit.

We've had voluntary disclosure on Kauai for several years now and it hasn't seemed to have addressed anybody's concerns. So expending a voluntary program does – I'm not – I don't have any confidence in it and obviously being a voluntary program I don't even consider that a state action. I consider that an industry action to the extent that they are willing to continue to be cooperative. So I would say no. They're – I'm not aware of any actual changes.

(Britney): OK. Have you had any informal discussion with HDOA and/or ADC concerning this complaint?

(Paul): No.

(Britney): Did communities have an opportunity to get notice or opportunity to comment on (lease) in Molokai and Kauai?

- (Paul): Not to my knowledge.
- (Britney): OK. Are the agricultural lands part of the native Hawaiian homeland you know of?
- (Paul): I'm sorry could you repeat that please?
- (Britney): Yes. Are the agricultural lands part of the native Hawaiian homeland, are you aware of that?
- (Paul): I believe some of them are. Well, let me put it this way. I am not sure of the overlap between the various land specifically I mean the complaint to the extent that involves lease lands and it relates to ADC. And, you know, as opposed to Department of Hawaiian Homeland, it's clear that the – that Hawaiian homeland lands are very closed to lands that are leased by ADC. And people who live on those lands are exposed to pesticides that are use on the lands leased by ADC, I'm not sure (Kylie) maybe ...
- (Kylie): So I know that with respect to the ADC land on Kauai, there is no overlap between big company and DHHL land on Hawaii. And then with respect to Molakai, I think there maybe some DHHL lands were received production as occurring but they are not ADC land.
- (Paul): Right. That's – my understanding is the same.
- (Britney): And (Emmy) did you want to – is there anything else on that question?
- (Lilian): Did she (receive)?
- (Emmy): Yes. So ...
- (Lilian): I'm sorry (Kylie), if you have to repeat your response?
- (Kylie): So on Kauai there is no overlap between big companies growing on DHHL land. There's no overlap. And on Molokai, I think that there maybe some big companies growing on DHHL land, but it's small amount.

(Lilian): When you said D.H. – were you – are you saying DHHL land, I'm not familiar with native Hawaiian issues or the – have a land that's owned in Hawaii? So ...

(Crosstalk)

(Paul): All right, yes.

(Lilian): ... that you're saying.

(Paul): Yes. D as in (David) HHL, that's Department of Hawaiian Homelands.

(Lilian): All right.

(Paul): Those are lands that are lease to native Hawaiians through that H state agency. And those lands are separate from lands that are lease to the Biotech companies by – for the most part, they are separate from lands that are leased by agribusiness development corporation which are also – which are state plans. And as (Kylie) said, there may be some lands that are leased. Hawaiian homelands, lands that are being leased to the biotech companies for – to proceed production on Molokai, but those are not ADC lands.

(Lilian): That's the plan.

(Crosstalk)

(Britney): OK. That's our based in.

(Lilian): They hear this, they're DHHL?

(Paul): Yes, they're ...

(Lilian): Or what's their plan (department of Ag)?

(Paul): I'm sorry, I missed the very last thing that you said. They are DHHL lands. The – what did you say about the Department of Agriculture?

(Lilian): Well, just – I know that some of the lands have been transferred from lands to what's the equivalent of the Interior Department in Hawaii to the agriculture

department then to ADC. So I was just wondering whether the Department of Agriculture has it, controls or leases any of the homeland land.

(Paul): No, I don't believe so. I believe that any lands that the Department of Agriculture controls are administered by agribusiness development corporation. And to my knowledge the Department of Hawaiian Homelands lands are separate.

(Lilian): OK.

(Emmy): (Paul) this is (Emmy) and you know, I think the land – the ownership of land is an interesting issue in Hawaii and we're trying to get our hands around it. And I think, if you all have any more detailed map, I know that you put together some map associated with your complaints. But if you have anymore details because as we are looking into the ownership issues, it's very convoluted with the creation of the agribusiness development corporation. We are aware that Hawaii department of Ag leases land on Molokai but ADC leases land in Kauai. And so, we're just trying to sort it out which entity does what, where, around the leasing and how this also relates to Hawaiian homelands because I think various maps that kind of encompasses most of the west side of Hawaii as Hawaiian homelands, and just trying to understand that as we look in to that relationship as well.

(Paul): OK, well I'm happy to try and get whatever information I can. I off the top of my head and as far as what we have in our files to my knowledge, you probably know more than we do right now. But I, you know, I'm happy to make inquiries to get you whatever information would be helpful to you. So if you can let me know either now or follow up later specifically what information you would like us to focus on. We'll be happy to do what we can.

(Kylie): And I will just add that a primary source of information was for us has been the Hawaii state planning offices GIS database. And so, you can go on to our GIS website and pull up various layers that office state – office is planning to manage this. So they have all the layers for the Department of Hawaiian homelands, each production, demographic, and also I don't think they have the

ADC lands as a layer, but those layers are all available so you can zoom in to get more precise information about what's happening (there).

(Lilian): OK, that's perfect, that's exactly what we need and you said it was the Hawaii, say it again.

(Kylie): So, it's the office of planning that administers all of these layers relevant to the state, and if you just look at Hawaii statewide GIS, that's the creator of the layers, then the layers pop up. But I can send you the more specific link that I used.

(Emmy): That would be great, if you could send it to (Britney) as the lead for this.

(Kylie): And then as to ownership and leasing of the lands, some primary source for that is the leases that we've seen from ADC. ADC has all that information and they are TMK mass available as well.

(Lilian): OK. OK I'm ...

(Kylie): I just...

(Lilian): ... sorry. Go ahead.

(Kylie): Oh, I just wanted to add, I mean, that information that I send you will help to clarify this. But I just wanted to point out that when – I think it was (Britney) who mention that most of the Westside of Kauai is DHHL in. When you look close – more closely at the map, the larger portion DHHL land on the Westside are currently being used minimally but they're splitted for development. They are (require) their up in the mountain above the monoplanes. But there are two small trucks in – the front of Keaukaha that are currently populated. They're down on the plane near where the seed is being grown.

(Britney): OK. Thank you. So, moving on to the next question. Can you describe in more detail the area used by, made of Hawaiians or fishing in Kauai? And is there a similar area in Molokai?

- (Paul): You know, it's not really a discreet area as much as, you know, the cost line that extends all along West Kauai and all along the south shore of Molokai.
- (Britney): OK. OK. And also, can you provide an update on the – on clean water act citizen suit concerning the ADC drainage system?
- (Emmy): Wait, before we get to the clean water act, you know, (Paul), this is (Emmy) again. And I'm just wondering if you would be able to provide us little bit more detail about, you know, the fishing done by native Hawaiians because in the complain, it's not – I mean, it's mention, I'm just wondering the folks that you represent is if there's any more detail that could be provided on that. That would be very helpful.
- (Paul): (Emmy), what type of details, specific locations or what you are looking for?
- (Emmy): Well, I mean, the location part would be useful but I get what you're saying about the general coastal part of West Hawaii and the South of Molokai. But just, in general about the type of fishing that is done, is it something that that's, you know, there is certain season? Is there – is this an annual stain or is it, you know, is it a traditional time frame that this happens, practice of fishing that kind of thing just so that we have a better understanding in association with agricultural practices that are happening?
- (Paul): I'll be happy to ask my clients for any further detail they can provide. But my understanding based on my experience with this issue in this case and in others is that is basically on going subsistence fishing that happens all the year around.
- (Emmy): OK.
- (Lilian): And this is (Lilian). And I just want to – in case we didn't clarify, this is the beginning. We do want to have some follow up interviews with complainants like actual members of the community. So, maybe this is the question that we should look to post to them as well, so just to keep that in mind (Paul) that when we do have those conversations to be great to be able to interview some folks with some of these experiences.

(Paul): Sure, I understand.

(Lilian): OK.

(Britney): OK. (Emmy) did you have you have anything else on the fishing question.

(Emmy): No, that's good.

(Britney): OK. And so I mentioned we were interested in update on the CWA citizen suit?

(Paul): Yes.

(Britney): Concerning the ...

(Off-Mic)

(Paul): Yes. The status, generally speaking is that they were in discovery right now. You know, the litigation is moving slowly through the process. I mean that there's been no change in this situation. The dependents position has not change. We're simply preparing our case.

(Kylie): (Britney) this is (Kylie). Just to follow up on that. I notice that in EPA's letter accepting our complaint, there is no mention of the drainage system. So, I was wondering if you confirm with that an issue that it's still on the table that you are looking into.

(Britney): Well, the reason why we accepted, we accepted it somewhat broadly because we didn't want to limit our investigation just to what was identified specifically in their complaint. So, we are looking at that, so.

(Kylie): Thank you.

(Britney): We want to make sure that it's true, our interviews or other investigation, you know, avenues. We have other issues that may present that we didn't limits (on) officially. So hopefully, the issues as we accepted would allow for us to look at this others other specific such as the drainage issue. Is that correct?



(Paul): Great. Thanks.

(Britney): Any other questions? OK. So, if the external of a right complains office were to engage with informal resolution, I know you may have to put some additional thought into this question. Which – what type of resolution point could you recommend given the current state of the issues regarding the complaints?

(Paul): By that, you mean, what changes would we want to see as part of a successful resolution?

(Britney): Right.

(Paul): Well, yes.

(Britney): Well that's not a question, so.

(Paul): Yes, there, I would definitely want to, you know, go back and talk with my clients and others to get a more complete picture for you. But I could certainly provide you with a few items although I think that they are largely mentioned in our complaint. But to reiterate the – what we would want to see is the departments taking a supporting in a meaningful way in imposing buffer zones between fields that where there is intensive pesticide use and areas populated by native Hawaiians which could be incorporated in leases as they are issued by ADC or could be in the form of, you know, we would love to see just buffer zones more widely applied throughout the state by, you know, that are applicable broadly and not necessarily on a list by list basis. But certainly, you know I think, we all would like to see that type of protection implemented around those areas.

There are particular pesticide that I think are widely viewed as particularly problematic or (PERA cause) being the most well known. There is currently an effort by positions on Kauai appealing to our governor to then to (PERA cause) use within Hawaii. The governor has been typically mute on the subject. That something that we would like to see.

We have a separately and as well as in this complaint that raise the issue of inadequate pesticide use enforcement by the Department of Health. I have since, you know, since that have read that the department claims to have increase its resources in that area, I don't know the extent to which that is – I'm sorry Department of Agriculture. Yes. I don't know the extent to which that is occurring and how meaningful it is but certainly we would like to see that.

With respect to information areas of contamination whether air, soil, or water, we would like to see ongoing testing and monitoring so that people can know what is and is not coming into their neighborhoods and into their water and schools.

So (Kylie), can you think of anything else off hand?

(Kylie): So when – simple one would be for ADC to get a clean water act permits for drainage system. Also, and then you mention the issue of the two agencies having kind of these compliance program.

(Paul): Yes, the compliance programs, I know you mentioned that and I can – and certainly we would want to see that although I guess I'm curious how – what the effective compliance program is in the sense that a compliance program I guess could address the question of discrimination, but I guess I wouldn't want to see a situation where they say, see, we're not discriminating against anybody. We're treating everybody badly.

(Britney): OK.

(Paul): But I think that's our lease at the moment. And I could probably provide some more fined points after consulting further with my clients and also experts such as physicians who work in the area.

(Britney): OK, and then our – the last question, I know there on the six hour time difference. And I know you try to get your clients to be on this call today. Do you have idea of what are some good times or date that they may be available. So when we begin the phone interviews we can schedule appropriately.

(Paul): Yes, I appreciate that question. It's been – it's frankly been difficult because the clients tend to be working, you know, all the time or at least during usual business hours and it's been difficult to get them to commit to particular times when they would be able to, you know, not have those obligations. I will press them for some, you know, some kind of information about availability but I think that's really, the issue, is you folks are working on, you know, during your business hours and they're working during their business hours. And for these people, it's, you know, (Kylie) and I, you know, this is our job to be on the phone with you for them, you know. They have to be at another job and it's for them to take a phone call from EPA. They basically need to be, you know, take time off from work which is – it's hard to ask them to do that. But I will do what I can.

Is there any flexibility in terms of the sort of hours within which you would be in a position to do these interviews, in others words, outside of normal business hours or at least outside of our normal business hours here?

(Britney): I mean I'm sure, I mean obviously we will definitely do whatever we need to do and can do to conduct this interview. So I'm sure we can find a way to get there.

(Paul): OK, great. I will ask and see if I can mail something down and get back to you.

(Britney): Thank you. So I think there was a few questions that you were going to circle back with this call. I mean response that you're going to circle back so I can actually send those, so you could see them in writing. In our next steps, we're going to reach out to the recipient and have a similar conversation introducing ...

(Off-Mic)

(Britney): ... we're going to talk to the – we want to schedule the interview with the complainants and then we're also going to be reaching out to Hawaii to do the initial conversation. So did you have any questions for us? I know this is a lot.

(Paul): No, I think this has been very helpful and informative for us, so I don't have any questions off hand.

(Britney): OK, OK. So just been looking out for an e-mail for me with additional questions and we'll send those to you.

(Paul): OK, great.

(Britney): And (Emmy) do you have anything else?

(Emmy): No, thank you very much.

(Paul): Thank you (Emmy).

(Britney): Thanks, thank you.

(Paul): All right.

Female: Oh thank you.

(Paul): Bye-bye.

Female: Bye.

END